

1 PAUL, HASTINGS, JANOFSKY & WALKER LLP  
ROBERT P. KRISTOFF (SB# 90874) bobkristoff@paulhastings.com  
2 ZACHARY P. HUTTON (SB# 234737) zacharyhutton@paulhastings.com  
MICHAEL M. PFYL (SB# 240925) michaelpfyl@paulhastings.com  
3 55 Second Street, Suite 2400  
San Francisco, CA 94105  
4 Telephone: (415) 856-7000  
Facsimile: (415) 856-7100  
5

Attorneys for Defendant  
6  
7

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10

11 PAULA LABRIE, ALFREDO MACIAS,  
PETER MILLMAN, TOM CHORTABTIM,  
12 RAF SISON,

13 Plaintiffs,

14 vs.

15 UPS SUPPLY CHAIN SOLUTIONS, INC.,

16 Defendant.  
17  
18

CASE NO. 3:08-CV-03182 PJH

**DECLARATION OF CEDRIC  
WILLIAMS IN SUPPORT OF  
DEFENDANT'S MEMORANDUM OF  
LAW IN OPPOSITION TO  
PLAINTIFFS' MOTION FOR  
CONDITIONAL CLASS  
CERTIFICATION**

Date: March 18, 2009  
Time: 9:00 a.m.  
Judge: Honorable Phyllis J. Hamilton  
Courtroom: 3, 17th Floor  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**DECLARATION OF CEDRIC WILLIAMS**

I, CEDRIC WILLIAMS, hereby declare as follows:

1. I have personal knowledge of the facts set forth in this declaration and, if called upon to do so, could and would testify competently to them.

2. I provide this declaration voluntarily and of my own free will. I have not been promised anything by UPS Supply Chain Solutions, Inc. ("UPS SCS") in exchange for providing this declaration, and have not been threatened or intimidated by UPS SCS in the event I refused to provide this declaration.

3. I have worked for UPS SCS since January 2007. From 2007 to the present, I have dispatched independent contractor couriers ("drivers") who made deliveries for UPS SCS.

4. I currently work in the Coppell, Texas dispatching location. I have dispatched drivers throughout the United States.

5. As a dispatcher, my job is to assign parts to drivers for delivery. I have a list of available drivers that I can call when I have parts that must be delivered. I know that a driver is available to deliver parts when the driver calls in to let me know that he or she is available to work.

6. Drivers decide when they are available to work. Drivers do not have standing schedules of availability and do not work predetermined hours or days. In sum, drivers decide when they want to work.

7. Drivers do not have to be in any particular place in order to receive delivery jobs, and are not required to wait at the warehouse to receive delivery jobs. However, in order to ensure that parts are timely delivered, drivers must be able to get to the warehouse within 15 minutes in order to pick up the parts.

8. I assign delivery jobs on a first-come, first-served basis. Drivers are placed on a list in the order in which they call to tell dispatch they are available. When a driver's name reaches the top of the list, I call the driver to offer him or her the job. Drivers decide which jobs they want to take. Drivers can turn down any job for any reason, and frequently do turn down jobs.

9. The drivers whom I dispatch turn down jobs for many reasons. I know of drivers who

Case No. 3:08-CV-03182-PJH  
LEGAL\_US\_W # 60850190.1

DECLARATION OF CEDRIC WILLIAMS



1 prefer to take only long distance jobs, while some drivers only take local jobs.

2 10. When drivers turn down jobs, I move them to the bottom of the "available" list, and  
3 they are eligible to receive other jobs that become available when they return to the top of the list.

4 11. Drivers can decide to wait for other jobs once they have a delivery on board. They do  
5 not need, or obtain, my permission to wait for other jobs. It is up to the driver to decide whether  
6 he or she can wait for more jobs and still make his or her other deliveries on time.

7 12. I do not tell drivers the route they should take to make deliveries, or the order in  
8 which they should make deliveries. Instead, it is up to the driver to decide their route and the  
9 order in which they make deliveries.

10 13. Drivers are permitted have other people to make deliveries for them, and I have  
11 dispatched drivers who do so. When drivers have another person make a delivery for them, I  
12 dispatch the job to the driver, and he or she can then have another person do the job for them.

13 14. Drivers can negotiate for additional pay on certain jobs, and I have asked for  
14 permission to pay drivers additional money in certain circumstances.

15 15. Drivers can work for other courier companies as well as work for SCS. I know of  
16 drivers who also work for other courier companies.

17 I declare under penalty of perjury under the laws of the United States that the foregoing is  
18 true and correct.

19 Executed this 16 day of January, 2009, at Coppell, Texas.

20  
21   
22 CEDRIC WILLIAMS  
23  
24  
25  
26  
27  
28